

# **EXHIBIT I**

**Thomas Vairo**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

**DECLARATION OF THOMAS VAIRO**

I, Thomas Vairo, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than eighteen (18) years of age and I have personal knowledge of and am competent to testify to the matters stated in this declaration.
2. I am a citizen of the United States today, as I was on September 11, 2001.
3. On September 11, 2001, I was present in New York City when the terrorist attacks on the World Trade Center (WTC) occurred. I was a police officer with the New York City Police Department (NYPD) on temporary assignment as an instructor with the Disorder Control Unit. On the morning of 9/11, my girlfriend, who was a flight attendant, called me from the tarmac at Newark Liberty International Airport in hysterics to tell me that a plane had crashed into the WTC. I was at home so I turned on the television and saw what she had just described. I gathered my gear and went immediately to the precinct where I was currently assigned in the Bronx.
4. Shortly after I arrived at the precinct, I took a patrol car and drove to the WTC. I was on FDR Drive when the second tower collapsed. I passed by the Brooklyn Bridge as pedestrians covered with ash and soot made their way out of Manhattan. I parked within a few blocks of Ground Zero and walked in from there. It was difficult to tell where I was. The smoke and ash covered everything and, with the limited visibility, it was very disorienting. The scene

was surreal with shells of city buses, crushed taxis and firetrucks strewn about, and virtually no people in an area that is ordinarily very congested. Realizing there was nothing I could do at that time at that location, I took the patrol car to the NYPD mobilization point on the West Side Highway. There I assisted unloading trucks that were bringing in supplies and taking those supplies to the firefighters. I witnessed the collapse of WTC 7 while I was there. I was relieved around midnight and left Ground Zero to go home.

5. The following day, and for the next two weeks, I worked 12-hour shifts hauling supplies, working the decontamination unit, and volunteering to go to the pit to help on the bucket brigade. Two weeks after the attacks, due to the obvious change in departmental priorities, I was reassigned back to my precinct from the Disorder Control Unit. We continued to work 12-hour shifts, but alternated between working patrol or going to Ground Zero. On the days I was at Ground Zero, we worked in the pit, handled site security, or controlled traffic entering and leaving the site. Toward the end of September 2001, we began wearing paper masks, but otherwise had little or no personal protective equipment. The rotation in and out of Ground Zero continued until the end of the 2001.

6. During 2002 and 2003 I began having recurring sinus infections. I went to a private physician for treatment, but continued to have problems with my sinuses and breathing. I was also diagnosed with bronchitis. In 2004, I became aware of the medical monitoring program with the World Trade Center Health Program (WTCHP) through the police department. I began the monitoring program that year and was certified for treatment based on my exposure to the toxins at Ground Zero following the attacks. Although I have continued to participate in the annual monitoring program, I still suffer from the medical conditions that began in 2002.

7. I applied to the Victim Compensation Fund (VCF) for the injuries I suffered following my time at Ground Zero. The VCF found that I was eligible for compensation based on the information it received for injuries related to chronic rhinitis, chronic sinusitis, and gastro-esophageal reflux disease with esophagitis. A true and correct copy of the VCF eligibility determination letter documenting the physical injuries I suffered from the attacks on 9/11 is submitted with this declaration as part of this exhibit.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 17 day of July, 2025.

  
Declarant Thomas Vairo



February 16, 2022

THOMAS VAIRO  
[REDACTED]

**Re: CLAIM NUMBER: VCF0000643**

Dear THOMAS VAIRO:

The September 11th Victim Compensation Fund ("VCF") has reviewed your claim for eligibility.

**The Decision on your Claim**

The VCF has determined that you meet the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, you have been found eligible for the following injuries:

- CHRONIC RHINITIS
- CHRONIC SINUSITIS UNSPECIFIED
- GASTRO-ESOPHAGEAL REFLUX DISEASE W/ ESOPHAGITIS

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

**What Happens Next**

**If you have been certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe you have eligible injuries that are not being treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating your award, you should amend your claim. If you choose to amend your claim, you must first seek certification for the condition(s) from the WTC Health Program. Seeking certification for your



condition provides the VCF with the necessary evidence that the condition is eligible for compensation. Please note, however, that because additional certifications do not necessarily impact the amount of your award, we recommend that you wait to receive your award letter to determine whether to seek certification for any additional condition(s).

**If you do not have injuries other than those listed above**, you should submit the compensation section of your claim form and the required supporting materials if you have not already done so. If you have already submitted this information, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0000643**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

DANIEL HANSEN can access the electronic copy of this letter uploaded to your online claim.